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## IN THE UNITED STATES PATENT OFFICE

*Earliest Priority Date:* 12 March 2004 (12.03.04)

*International Serial No.:* PCT/US2005/006849

*U.S. Serial No.:* 10/598,758

*Invention:* VARIABLE HEIGHT SIDERRAIL FOR A BED

*Applicant:* RUSCHKE, Jeffrey A.; KING, K. Clarence

*International Filing Date:* 02 March 2005 (02.03.05)

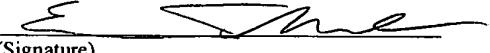
*Attorney Docket:* 7175-202950 (Previously 8266-1581)

Certificate Under 37 CFR 1.10

Express Mail No.: EV 633513772 US

Date of Mailing: 09 August 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature)

Ernest A. Carlson

(Typed or Printed Name of Person Mailing Paper or Fee)

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 U.S.C. 371 IN THE UNITED STATES  
 DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Attn: DO/EO/US—Charitta A. BURT  
 Mail Stop: PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 10 May 2007 (10.05.07), applicants submit herewith:

1. a check in the amount of \$250.00 is attached for the surcharge in the amount of \$130.00 and a one-month extension of time from 10 July 2007 to 10 August 2007;

08/13/2007 LLANDGRA 00000057 10598758

01 FC:1617  
 02 FC:1251

130.00 OP  
 120.00 OP

2. a copy of a DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION;
3. a copy of a Power of Attorney to Prosecute Applications Before the USPTO;
4. an executed Statement Under 37 CFR 3.73(b) with a copy of the Nunc Pro Tunc Assignment stamped for 37 CFR 3.73(b) purposes of each PCT application serial no. PCT/US2005/006849 and U.S. serial No. 10/598,758; and
5. copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Applicants believe all fees are attached. However, in the event a fee is due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435, referencing attorney docket no. 7175-202950 A duplicate of this Response is enclosed.

Respectfully submitted,



Richard D. CONARD  
Reg. No. 27321  
Attorney for Applicants

RDC/mje/912210v1  
Indianapolis, Indiana 46204  
Telephone: (317) 231-7285

Attachments: Check in the Amount of \$250.00 for Surcharge and One-Month Extension of Time  
Copy of Declaration for Utility or Design Patent Application  
Copy of a Power of Attorney to Prosecute Applications Before the USPTO  
Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)  
Statement Under 37 CFR 3.73(b) with a copy of the Nunc Pro Tunc Assignment  
Copy of Response to Notification of Missing Requirements

Express Mail No.: EV 633513772 US



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/598,758	Jeffrey A. Ruschke	8266-1581

25267  
 BOSE MCKINNEY & EVANS LLP  
 JAMES COLES  
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 SUITE 2700  
 INDIANAPOLIS, IN 46204

**RECEIVED**

MAY 14 2007

BOSE MCKINNEY &amp; EVANS

INTERNATIONAL APPLICATION NO.

PCT/US05/06849

I.A. FILING DATE      PRIORITY DATE

CONFIRMATION NO. 9904

371 FORMALITIES LETTER



\*OC000000023782149\*

Date Mailed: 05/10/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/11/2006
- Copy of the International Search Report filed on 09/11/2006
- Preliminary Amendments filed on 09/11/2006
- Information Disclosure Statements filed on 01/09/2007
- Request for Immediate Examination filed on 09/11/2006
- U.S. Basic National Fees filed on 09/11/2006
- Priority Documents filed on 09/11/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

PH  
5/14/07

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CHARITTA A BURT

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Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/598,758	PCT/US05/06849	8266-1581

FORM PCT/DO/EO/905 (371 Formalities Notice)